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Ford Inspection Report

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Date of Inspection	06-28-06
Location	Plaintiff Attorney's Office
Incident Model:	831.28775
Serial number:	G63350626
Incident date:	January 18, 2003
Purchase Date from Sears	February 02, 1997

Documents reviewed:

Manual for Model 831.287750
Installation instructions Part No. 134553-A F03386-A R 1096-A
Assembly Update Part No. 134455 F03357BA R0597A
Bill of Material for Part No. 134454
ECR 6277-05
Drawing G01300
Written Discovery from Plaintiffs
Written Discovery from Icon Health and Fitness
Pictures taken by Laurel Jensen at the inspection on 06-28-06
Deposition of Mr. Robert Ford dated 06-28-06
Deposition of Mrs. Mae Ford dated 06-28-06
Document 22 of Case 1:05-cv-00054-SJM
Document 21 of Case 1:05-cv-00054-SJM

Incident description:

Alleges: "Ryan (age 5) got trapped in collapsed glider."

Environment and Conditions

It has been testified that on February 2, 1997 Mr. Robert Ford and Mrs. Mae Ford purchased a model 831. 287750 from the Millcreek mall Sears Store. The unit had a serial number of G63350626 located on a decal on the underside of the main seat tube. The unit was set up and used by the Ford's after its purchase. Mr. Ford said it was his practice to read owners manual so he believes he would have read the one with this unit. Some time after the purchase, the Ford's were not using the unit so it was loaned to a sister. Lisa Murphy received the unit and used it in her home in Millcreek, PA. The

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Murphy's lived in Millcreek between the years 1997 and 2003. Some time prior to the incident the unit was returned to the Ford home.

On about January 16 or 17 of 2003, Mr. Ford got the unit out of storage and set it up. Ryan tried the unit on that day under the supervision of Mr. Ford. The unit was located in an open basement close to a fireplace located somewhere near the center of the area. The Proform R930 glider was located about fifteen feet from a partially assembled system style exercise machine.

Incident

On January 18, 2003 Mr. Ford was assembling a system style exercise machine. Ryan was in the basement with Mr. Ford. While assembling the unit, Mr. Ford had his back to the Proform R930 glider. If he were facing the glider his view would have been partially blocked by the fireplace. Ryan was using the glider. Mr. Ford testified that he did not hear anything unusual. Upon turning around he saw Ryan on the floor trapped between the seat and handle bar section of the glider. He was not breathing and cyanotic. Mr. Ford removed Ryan from the machine by lifting the machine handle bar, seat and Ryan up until the unit released from the storage position.

Proform R930 Glider, Model 831.28875

The Proform glider was inspected in the law offices of the plaintiff's attorney in Erie Pennsylvania (see pictures 2766 to 2770). The unit was dirty, rusty and in poor condition. The console on the unit was cracked and broken. The serial number decal was attached to the underside of the main seat tube and was in good shape with easily readable numbers and information (see 2722). It listed the model as 831.288775 and the serial number as G63350626. It contained the Sears Roebuck and Co. name and address as well as an 8/96 WB identifier and patent information. The structure, metal parts, weldments, hinge points, pedals and seat were all correct and complete. The unit moved easily from storage position and back. In use position the unit appear correct and solid with smooth even motion when operated. The adjustable shock was compete and appeared to operate correctly (2776 and 2777). Both pull and push resistance adjustment knobs were visible and intact.

The lower portion of the frame assembly consists of two curved channel sections welded parallel to each other forming a track for the wheels of the seat frame to travel on. To use this machine a person sits on the seat and pushes the pedals with their feet while simultaneously pulling with their hands on the handle bar. The wheels move from the resting position at the back of the lower curved channels to the front area. This action causes the seat to rise and at the same time extends the shock. Reducing the pressure on the pedals and handle bars allows the wheels to move back along the channels and lowers the seat.

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This unit has a storage feature. When the handle bar is moved very close to the seat the front wheel beyond the end of the curved channels and the unit goes into storage mode. The seat and handle bar frame can then be lowered to be basically parallel with the lower frame making the unit smaller and low so it can be stored (2778 and 2769). It can then be moved around using the front wheels and can be stored in an upright position on the wheels and cross bar.

A retro fit kit was added to the units using clips or screws. The kit consisted of a bracket and the attachment system. The first style used two small clips that pressed over the bracket and leg of the channel. The second style utilized two screws instead of the spring clips. This bracket when installed prevented the wheel from going over the end of the curved channel until the whole assembly was lifted.

Inspection of the unit involved in this incident showed that it had the characteristic marks of having had the retrofit kit using the spring clips installed at one time (see 2784 through 2791). On the lower channel, there are four distinct lines gouged in the painted metal surface. These lines are typical of the lines created when the kit is installed. The spring clips have small barbs formed in the material that acts to dig in as they are installed. The barbs are used to secure the clip on, thereby securing the two pieces of material together. The retrofit kit included two spring clips placed side by side to secure the bracket on. The tabs and shape of the bracket supplied acted to support the load created when the wheel hit the bracket. The spring clips act only to prevent the bracket from swinging away from the channel. The clips do not see any load from the action of the wheel.

The testimony indicates that the Fords and Murphy's were not aware of the recall. I also understand that no parts were installed by either family. Based on that and the fact that the unit clearly shows that the kit had been installed at one time, it must be concluded that the kit was installed by either Icon Health and Fitness before it left the manufacturing plant or by the Sears store before being purchased by the Fords.

Manufacturing History

During the first part of production the units were produced without the retrofit kit. Once notice was received of an injury, the retrofit kit was designed and added to the units being built. All units in stock had the kit placed in the box prior to shipping along with instruction for the consumer to install the kit during assembly. A recall was initiated with the CPSC to inform consumers of the need for the retrofit kit. Also an ECR was created to change the shape of the bracket in the frame weldment to include the stop portion as part of an existing bracket.

Warnings and Instructions

The user's manual has a section at the beginning that provides a list of important precautions to the owner and user of this device. Following the word "Warning" is a

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statement that reads “To reduce the risk of serious injury, read the following important precautions before using the PROFORM R930.” Number one states, “It is the responsibility of the owner to ensure that all users of the R-930 are adequately informed of all precautions.” Number five states, “Keep small children and pets away from the R-930 at all times”.

Conclusions

To a reasonable degree of scientific and engineering certainty and based upon a review of the documentation, inspection of the Proform R930 glider model 831.28775, and my knowledge from years of testing and evaluating machinery including fitness equipment, I have formed the following opinions and observations.

1. This Glider with the retrofit kit installed was designed and manufactured correctly for its intended purpose. I believe that it was safe for its intended use.
2. Based on the testimony and evidence the Glider had the retrofit kit installed prior to the incident.
3. The retrofit kit was properly installed and then removed prior to the incident.
4. If the retrofit kit had been on when Ryan was using this unit, the incident would not have occurred.
5. Icon provided numerous warnings and extensive information to the owner and user of this glider on how to operate it safely and how to protect both the unit and the user when it was being used, and between uses.
6. If the warnings and instructions that Mr. Ford indicated he read had been followed, this incident would not have occurred.
7. From information provided by Mr. Ford during this deposition, the glider was not being used as intended by the manufacturer and was used contrary to the instructions and warnings in the manual.

I reserve the right to amend and expand this report, as more information is made available.

Laurel Jensen
Director of Product Safety
ICON Health & Fitness, Inc.